

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2323

Introduced by Assembly Member Huff

(Coauthors: Assembly Members Benoit, Cogdill, DeVore, Garcia, Haynes, Shirley Horton, Maze, Mountjoy, Strickland, and Wyland)

(Coauthors: Senators Ashburn, Battin, and Dutton)

February 22, 2006

An act to amend Section 47614.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2323, as amended, Huff. Charter schools: facilities.

Existing law establishes the Charter School Facility Grant Program, under the administration of the State Department of Education, for the purpose of providing assistance with facilities rent and lease costs for pupils in charter schools. The department is required, among other things, to determine eligibility for funding under the program based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced price meals, and a preference in admissions, as appropriate. Charter schoolsites are eligible for funding under the program if (1) the charter schoolsite is physically located in the attendance area of a public elementary school in which 70% or more of the pupil enrollment is eligible for free or reduced priced meals and the schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter

schoolsite is located; or (2) 70% or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced price meals.

This bill, additionally, would authorize a charter schoolsite to be funded under the program after all schoolsites that meet the conditions in existing law have been funded, if (1) the schoolsite is located in the attendance area of a public elementary school in which 50% or more, but less than 70%, of the elementary school pupil enrollment is eligible for free or reduced price meals and the schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area; or (2) 50% or more, but less than 70%, of the charter school pupil enrollment is eligible for free or reduced price meals.

The bill would make other technical nonsubstantive changes to obsolete provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47614.5 of the Education Code is
2 amended to read:

3 47614.5. (a) The Charter School Facility Grant Program is
4 hereby established and shall be administered by the department.
5 This grant program is intended to provide assistance with
6 facilities rent and lease costs for ~~pupils in~~ charter schools.

7 (b) Subject to the annual Budget Act, eligible schools shall
8 receive an amount of up to, but no more than, seven hundred fifty
9 dollars (\$750) per unit of average daily attendance, as certified at
10 the second principal apportionment, to reimburse an amount of
11 up to, but no more than, 75 percent of the annual facilities rent
12 and lease costs for the charter school. In any fiscal year, if the
13 funds appropriated for the purposes of this section by the annual
14 Budget Act are insufficient to fund the approved amounts fully,
15 the Superintendent shall apportion the available funds on a pro
16 rata basis.

17 (c) The department shall do all of the following:

18 (1) Inform charter schools of this program.

19 (2) Upon application by a charter school, determine eligibility,
20 based on the geographic location of the charter schoolsite, pupil

1 eligibility for free or reduced price meals, and a preference in
2 admissions, as appropriate. Eligibility for funding may not be
3 limited to the grade level or levels served by the school whose
4 attendance area is used to determine eligibility. Charter
5 schoolsites are eligible for funding pursuant to this section if the
6 charter schoolsite meets any of the following conditions:

7 (A) The charter schoolsite is physically located in the
8 attendance area of a public elementary school in which 70
9 percent or more of the pupil enrollment is eligible for free or
10 reduced priced meals and the schoolsite gives a preference in
11 admissions to pupils who are currently enrolled in that public
12 elementary school and to pupils who reside in the elementary
13 school attendance area where the charter schoolsite is located.

14 (B) Seventy percent or more of the pupil enrollment at the
15 charter schoolsite is eligible for free or reduced price meals.

16 (C) After all schoolsites that meet the conditions in
17 subparagraph (A) or (B) have been funded, a charter schoolsite
18 may be funded if it meets either of the following conditions:

19 (i) The schoolsite is located in the attendance area of a public
20 elementary school in which 50 percent or more, but less than 70
21 percent, of the elementary school pupil enrollment is eligible for
22 free or reduced price meals and the schoolsite gives a preference
23 in admissions to pupils who are currently enrolled in that public
24 elementary school and to pupils who reside in the elementary
25 school attendance area.

26 (ii) Fifty percent or more, but less than 70 percent, of the
27 charter school pupil enrollment is eligible for free or reduced
28 price meals.

29 (3) Inform charter schools of their grant eligibility.

30 (4) Reimburse charter schools for eligible expenditures in a
31 timely manner.

32 (d) Funding pursuant to this section may not be apportioned
33 for any of the following:

34 (1) Units of average daily attendance generated through
35 nonclassroom-based instruction as defined by paragraph (2) of
36 subdivision (d) of Section 47612.5 or that does not comply with
37 conditions or limitations set forth in regulations adopted by the
38 state board pursuant to this section.

39 (2) Charter schools occupying existing school district or
40 county office of education facilities.

1 (3) Charter schools receiving reasonably equivalent facilities
2 from their chartering authority pursuant to Section 47614.

3 (e) Funds made available pursuant to this section shall be used
4 for costs associated with facilities rents and leases, consistent
5 with the definitions used in the California School Accounting
6 Manual. These funds may also be used for costs, including, but
7 not limited to, costs associated with remodeling buildings,
8 deferred maintenance, initially installing or extending service
9 systems and other built-in equipment, and improving sites.

10 (f) If an existing charter school located in an elementary
11 attendance area in which less than 50 percent of pupil enrollment
12 is eligible for free or reduced price meals relocates to an
13 attendance area identified in paragraph (2) of subdivision (c),
14 admissions preference shall be given to pupils who reside in the
15 elementary school attendance area into which the charter school
16 is relocating.

17 (g) For each fiscal year, the Superintendent shall annually
18 report to the state board regarding the use of any funds that have
19 been made available to each charter school from the grant
20 program established pursuant to this section.